

**IN THE UNITED STATES DISTRICT COURT FOR  
NORTHERN DISTRICT OF OKLAHOMA**

(1) ROBERT GATES, )  
(2) RITA GATES, and )  
(3) JULIO MELENDEZ, )  
 )  
 Plaintiffs, )  
 )  
 vs. ) Case No. 23-CV-352-CVE-SH  
 )  
(1) CITY OF TULSA, OKLAHOMA, )  
(2) SAMANTHA RAMSEY, )  
(3) DON HOLLOWAY, )  
(4) M. SWEGER, )  
(5) THOMAS SHOCKLEY, )  
(6) K. Sires, )  
 )  
 Defendants. )

**JOINT MOTION TO EXTEND ALL  
REMAINING SCHEDULING DEADLINES BY 90 DAYS**

**COME NOW**, the Plaintiffs and Defendants (“the Parties”), by and through their attorneys of record, and respectfully request an Order extending all remaining Amended Scheduling Order (Dkt. #21) deadlines by ninety (90) days. In support, the Parties show the Court as follows:

1. The Court entered an Amending Scheduling Order in this matter on June 5, 2024. Dkt. #21.
2. The Amended Scheduling Order, the deadline for Plaintiffs’ expert disclosures is August 26, 2024, the deadline for Defendants to make their expert disclosures is September 9, 2024, and the discovery cutoff is October 15, 2024.
3. The parties are currently engaged in discovery. Due to the sudden death of Rita Gates, the Parties have not yet conducted all of the discovery necessary for the Parties expert witnesses to complete expert reports by the deadlines in the Amended Scheduling Order; and Plaintiffs require additional time to substitute the estate as a party through probate in order to respond to pending discovery requests.

4. Additionally, Plaintiffs' counsel has had numerous competing deadlines and obligations since the Amended Scheduling Order was entered that have taken time away from completing all necessary discovery in this case.

5. For example, on July 16, 2024, Plaintiff's counsel conducted a summary jury trial in another civil rights case, *Watie v. Harriman, et al.*, Case No. 20-CV-415-Raw (E.D. Okla.). On July 19, 2024, Plaintiff's counsel filed an opening brief in the 10th Circuit for the civil rights case of *Young v. Correctional Healthcare Companies, Inc.*, Case No. 13-CV-315-IDJ-JFJ (N.D. Okla.). The opening brief is approximately seventy (70) pages and the accompanying appendix is fourteen (14) volumes and 3736 pages, including eight (8) days' worth of trial transcripts. On July 29 and August 5, Plaintiffs' counsel had pretrial deadlines in another civil rights case, *Buchanan v. Cooper*, Case No. 18-CV-171-EFM (E.D. Okla.). *Buchanan* was set to begin jury trial on August 26, 2024, but the parties reached a settlement in mid-August. Further, Plaintiffs' counsel has been preparing for a jury trial that began on September 9, 2024 in *State of Oklahoma v. Buck*, CM-2020-2635 (Tulsa County District Court).

6. There has been one previous request to extend the deadlines in this case. Dkt. # 19.

7. A scheduling order may be modified "for good cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4).

8. For the above stated reasons, the Parties assert that a ninety (90) day extension of all remaining deadlines is necessary to ensure that sufficient discovery is completed prior to the discovery cutoff. The Parties respectfully request that the Court find that there is "good cause" to modify the Amended Scheduling Order (Dkt. # 21) and enter a Second Amended Scheduling Order.

9. Should the Court grant this Motion, the Second Amended Scheduling Order would be as follows:

| DEADLINE   | CURRENT    | PROPOSED             |
|--|------------|----------------------|
| Expert Identification and Report under FRCP 26(a)(2) (Plaintiff) | 8/26/24    | 11/25/2024           |
| Expert Identification and Report under FRCP 26(a)(2) (Defendant) | 9/9/2024   | 12/9/2024            |
| Discovery Cutoff   | 10/15/2024 | 1/13/2025            |
| Exchange of Preliminary Witness Lists and Proposed Exhibits      | 10/22/2024 | 1/21/2025            |
| Dispositive Motions Cutoff                                       | 11/15/2024 | 2/13/2025            |
| Deposition/Videotaped/Interrogatory Designations                 | 11/25/2024 | 2/24/2025            |
| Counter-Designations   | 12/9/2024  | 3/10/2025            |
| Exchange of Pre-Marked Exhibits                                  | 12/16/2024 | 3/17/2025            |
| Pretrial Disclosure  | 2/11/2025  | 5/12/2025            |
| Objections to Designations                                       | 12/23/2024 | 3/24/2025            |
| Transcripts Annotated with Objections                            | 12/23/2024 | 3/24/2025            |
| Agreed Proposed Pretrial Order                                   | 3/17/2025  | 6/16/2025            |
| Final Witness and Exhibit List                                   | 3/17/2025  | 6/16/2025            |
| Pretrial Conference  | 3/24/2025  | 6/23/2025            |
| Requested Jury Instructions, Trial Briefs, and Voir Dire         | 3/31/2025  | 6/30/2025            |
| Exchange of Demonstrative Exhibits                               | 3/31/2025  | 6/30/2025            |
| Trial Date   | 4/7/2025   | To be reset by Court |

**WHEREFORE**, premises considered, the Parties request that the Court enter a Second Amended Scheduling Order extending all deadlines by ninety (90) days, as set forth herein.

Respectfully submitted,

CITY OF TULSA, OKLAHOMA  
a municipal corporation

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*Attorney for Plaintiffs*

### **CERTIFICATE OF SERVICE**

I hereby certify that on September 11, 2024, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to all ECF registrants who have appeared in this case.

/s/ Daniel E. Smolen